



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

April 20, 2023

VIA CM/ECF

The Honorable Katherine Polk Failla
United States Courthouse
40 Foley Square
New York, NY 10007-1312

MEMO ENDORSED

Re: *United States v. Marvin Williams*, 09 Cr. 1056 (KPF)

Dear Judge Failla:

The Government writes to move to dismiss the pending specifications against the defendant in the above-captioned case, in advance of April 28, 2023, the date the defendant's supervision is scheduled to be terminated. As reflected in the August 15, 2022 Amended Violation Report, the defendant has the following specifications pending: (1) attempted assault with intent to cause physical injury on or about October 10, 2018, which case was dismissed on May 2, 2019; (2) harassment in the second degree on or about November 24, 2018, which case was dismissed on May 2, 2019; (3) failing to notify his probation officer of arrests occurring on or about November 27, 2018, November 19, 2021, and November 20, 2021; (4) several positive drug tests indicating marijuana use ranging between March 19, 2019 through May 25, 2022; (5) failing to attend a drug treatment program between November 2, 2019 and December 28, 2019; (6) possession of a forged instrument, namely, a forged license plate, on or about February 20, 2021, which charge has been dismissed; (7) aggravated unlicensed operation of a motor vehicle in the third degree on or about February 20, 2021, which charge has been dismissed; (8) possession of a forged instrument, namely, a forged license plate, on or about February 19, 2021, which charge has been dismissed; (9) grand larceny in the fourth degree on or about November 20, 2021, which charge has been dismissed; (10) destroying/altering vehicle identification number in that he was driving a car with an obscured and unreadable license plate on or about November 20, 2021, which charge has been dismissed; (11) criminal trespass in the second degree on or about November 20, 2021, which charge has been dismissed; (12) aggravated unlicensed operation of motor vehicle in the third degree on or about November 20, 2021, which charge has been dismissed; and (13) failing to participate in outpatient substance abuse treatment between May and June 2022.

On September 9, 2022, following the submission of the Amended Violation Report, the parties filed a letter with the Court reflecting the joint view that "the defendant and the public [were] best served by permitting the defendant to continue his employment, which will facilitate the defendant's rehabilitation . . . [and that] the Government will consider dismissing the specifications to permit termination of supervised release as scheduled," assuming the defendant incurred no new violations. As is evident from the amended report, many of the defendant's years-old violations were predicated on New York State crimes that have since been dismissed. Further, the Government has consulted periodically with the defendant's Probation Officer since September 2022 and has learned that the defendant has incurred no new violations and has remained compliant with the terms of his release.

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In light of the foregoing, and after consultation with defense counsel and the defendant's Probation Officer, the Government respectfully contends that the goals of supervision have been met and moves to dismiss the pending specifications to permit the termination of the defendant's supervised release term on April 28, 2023. The Government further requests that the Court adjourn the status conference scheduled for that day, as there are no matters requiring the Court's attention apart from those raised herein.

Wherefore, the Government moves to dismiss the pending specifications in the August 15, 2022 Amended Violation Report and requests an adjournment *sine die* of the upcoming April 28, 2023 conference.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: /s/
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cc: Bradley Henry, Esq. (via ECF)

Application GRANTED. The Court is pleased to hear that Mr. Williams has not incurred any additional violations in recent months. The pending specifications in the August 15, 2022 Amended Violation Report are hereby DISMISSED and the conference currently scheduled for April 28, 2023 is adjourned *sine die*.

The Court congratulates Mr. Williams on the upcoming termination of his supervised release and wishes him the best going forward.

The Clerk of Court is directed to terminate the motion at docket entry 788.

SO ORDERED.

Dated: April 20, 2023
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE